

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

v.

Case No: 5:22-cv-144-JA-PRL

**JOHN DOE SUBSCRIBER ASSIGNED
IP ADDRESS 72.239.157.114,**

Defendant.

ORDER

Plaintiff, Strike 3 Holdings, LLC, is the alleged owner of copyrights for one or more adult videos upon which Defendant allegedly infringed. Strike 3 Holdings now seeks leave to serve a third-party subpoena on Defendant's internet service provider, Charter Communications Inc./Spectrum, prior to conducting the Rule 26(f) conference, in order to ascertain the actual identity of the defendant from the IP address. (Doc. 8).

A court has broad discretion in managing discovery. *Klay v. All Defendants*, 425 F.3d 977, 982 (11th Cir. 2005). A court may permit a party to conduct discovery before a Rule 26(f) conference. Fed. R. Civ. P. 26(d)(1). Courts usually require a showing of good cause for early discovery. See *TracFone Wireless, Inc. v. Holden Prop. Servs., LLC*, 299 F.R.D. 692, 694 (S.D. Fla. 2014); *Digital Sin, Inc. v. Does 1-176*, 279 F.R.D. 239, 241 (S.D.N.Y. 2012); *Dorrah v. United States*, 282 F.R.D. 442, 445 (N.D. Iowa 2012).

Here, Plaintiff has established good cause for early discovery: it has sufficiently alleged infringement; it does not have another way to discover the alleged infringer's identity to


proceed with the litigation; and ISPs rarely maintain the information for long. The Court therefore GRANTS Plaintiff's motion (Doc. 8) as follows:

(1) Plaintiff may serve on Charter Communications Inc./Spectrum a Federal Rule of Civil Procedure 45 subpoena commanding the name, address, email address, and telephone number of the subscriber of the identified IP address. The subpoena must attach the complaint and this order.

(2) Plaintiff may use the subscriber's information only to protect and enforce its rights set forth in the complaint.

(3) If Charter Communications Inc./Spectrum is a "cable operator" under 47 U.S.C. § 522(5), it must comply with 47 U.S.C. § 551(c)(2), which permits a cable operator to disclose personal identifying information if the disclosure is "made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed," by sending a copy of this order to the defendant.

DONE and **ORDERED** in Ocala, Florida on March 30, 2022.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties